

Resolve 2-21/22

Passage: 8-0 (Thibodeau absent) on 8/23/2021

Effective 9/2/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (5)
APRIL R. FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES (A/L)

**RESOLUTIONS FOR ADOPTION AT THE
AUGUST 23, 2021 MEETING OF THE CITY COUNCIL
CONCERNING NOTICE OF PUBLIC HEARING ON
CONDEMNATION OF LOT 6
SCHEDULED FOR SEPTEMBER 8, 2021**

RESOLUTIONS FOR ADOPTION:

RESOLVED: The City Council of the City of Portland shall convene a Public Hearing for 5:00 P.M. on September 8, 2021 for the purpose of considering the City of Portland taking by eminent domain of the real estate interests of FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC in and to the land depicted as Lot 6 on a certain “Amended Subdivision Recording Plat for MiDTOWN Development, Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC” dated April 10, 2013, as revised through, and approved by the City of Portland Planning Board, on May 10, 2016 by Owen Haskell, Inc. Falmouth, Maine, recorded at the Cumberland County Registry of Deeds, Plan Book 216, Page 217 (the “Plan”).

RESOLVED: The City Council of the City of Portland shall give public notice to FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC, and to the public at large, of the September 8, 2021 Public Hearing of the City Council on the possible condemnation of Lot 6 as depicted on the Plan in accordance with the Notice of Meeting annexed hereto as Exhibit A.

EXHIBIT A

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (A/L)
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NICHOLAS M. MAVODONES (A/L)

**NOTICE OF PUBLIC HEARING OF THE
CITY COUNCIL OF THE CITY OF PORTLAND TO CONSIDER
ADOPTION OF ORDER CONDEMNING PROPERTY RIGHTS OF
FEDEQ DVOO4, LLC, FEDEQ SPONSOR ENTITY V, LLC AND REDWOOD
DEVELOPMENT CONSULTING, LLC PURSUANT TO 30-A M.R.S. §§ 5401 ET SEQ.,
INCLUDING § 5403(6), 30-A M.R.S. § 3101, AND 23 M.R.S. § 3023**

The City Council of the City of Portland hereby gives written notice in accordance with 23 M.R.S. § 3022 of a Public Hearing to be conducted in the City Council Chamber, Portland City Hall, 389 Congress Street, Portland, Maine at 5:00 P.M. on September 8, 2021 to consider the adoption of an Order of Condemnation against the real estate interests of FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC in and to the land depicted as Lot 6 on a certain “Amended Subdivision Recording Plat for MiDTOWN Development, Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC” dated April 10, 2013, as revised through, and approved by the City of Portland Planning Board, on May 10, 2016 by Owen Haskell, Inc. Falmouth, Maine, recorded at the Cumberland County Registry of Deeds, Plan Book 216, Page 217 (the “Plan”).

Accordingly, pursuant to 23 M.R.S. § 3022 and 30-A M.R.S. § 3101, and 30-A M.R.S. § 5401, et seq. (including § 5403(6)), the City Council of City of Portland, Maine, hereby gives notice of its intention to consider the condemnation of the property described in the proposed Condemnation Order annexed hereto and incorporated herein by reference as Exhibit A by posting two copies of this Notice at least seven days in advance in two public places in the City of Portland, i.e., the Maine District Court at 142 Federal Street in Portland and at the Clerk’s Office at Portland City Hall at 389 Congress Street, and in the vicinity of the Lot 6 as depicted on the Plan, and by serving these notices by in-hand delivery to FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC.

To the Within-Named Owner of Record of Lot 6 as depicted on the Plan:

- **FEDEQ DV004, LLC**

To the Within-Named Mortgagee of Record of Lot 6 as depicted on the Plan:

- **FEDEQ Sponsor Entity V, LLC**

To the Within-Named Tenant of Record of Lot 6 as depicted on the Plan:

- **Redwood Development Consulting, LLC**

FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC are hereby provided notice of the Public Hearing in the City Council Chamber, Portland City Hall, 389 Congress Street, Portland, Maine at 5:00 P.M. on September 8, 2021 and of their right through counsel to appear and participate therein.

The City Clerk is hereby directed to cause an attested copy of this Notice of Public Hearing and the attached Exhibit A to be posted at least seven days in advance in two public places in the City of Portland, i.e., the Maine District Court at 142 Federal Street in Portland and at the Clerk's Office at Portland City Hall at 389 Congress Street, and in the vicinity of the Lot 6 as depicted on the Plan, and by serving these notices by in-hand delivery to FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC.

SO ORDERED:

Dated this 23rd day of August, 2021

Mayor Kate Snyder

EXHIBIT A TO NOTICE

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

MARK DION (A/L)
APRIL R. FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER CONDEMNING PROPERTY RIGHTS OF
FEDEQ DVOO4, LLC et al., PURSUANT TO 30-A M.R.S. §§ 5401 et seq. (INCLUDING §
5403(6)), 30-A M.R.S. § 3101, and 23 M.R.S.A. § 3023**

To the Within-Named Owner of Record:

- **FEDEQ DV004, LLC**

To the Within-Named Mortgagee of Record:

- **FEDEQ Sponsor Entity V, LLC**

To the Within-Named Tenant of Record:

- **Redwood Development Consulting, LLC**

DECLARATION OF PURPOSE

WHEREAS, the City desires to acquire fee simple ownership of a certain lot or parcel of land depicted as Lot 6 on a certain “Amended Subdivision Recording Plat for MidTOWN Development, Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC” dated April 10, 2013, as revised through, and approved by the City of Portland Planning Board, on May 10, 2016 by Owen Haskell, Inc. Falmouth, Maine, recorded at the Cumberland County Registry of Deeds, Plan Book 216, Page 217 (the “Plan”), which lot is more particularly described in Schedule A, attached hereto and incorporated herein by reference (“Lot 6”), said fee simple interest to be acquired so that a parking facility, including but not limited to a revenue-producing municipal parking facility as defined by 30-A M.R.S. § 5401(5)-(7), may be constructed upon Lot 6 to assist in the economic development of the surrounding areas, and in accordance with the public necessity and power of eminent domain specifically declared and granted by the Maine Legislature in 30-A M.R.S. §§ 5402(3), 5402(5), and 5403(6); and

WHEREAS, FEDEQ DV004, LLC is the owner of record of Lot 6; and

WHEREAS, FEDEQ Sponsor Entity V, LLC is the mortgagee of record of Lot 6; and

WHEREAS, Redwood Development Consulting, LLC is a tenant of record of Lot 6; and

WHEREAS, the City Council has decided to acquire the fee simple interest in and to Lot 6 and the interests, such as may exist, of FEDEQ Sponsor Entity V, LLC as mortgagee of

Lot 6 and of Redwood Development Consulting, LLC as tenant of Lot 6 through the exercise of the power of eminent domain; and

WHEREAS, pursuant to 23 M.R.S. § 3022 and 30-A M.R.S. § 3101 the City Council of the City of Portland, Maine, having given notices of its intention to condemn the property described above by posting two notices at least seven days in advance in two public places in the City of Portland, i.e., at the Maine District Court at 142 Federal Street in Portland and at the Clerk's Office at Portland City Hall at 389 Congress Street, and in the vicinity of Lot 6 as depicted on the Plan, the property, and by serving these notices by in-hand delivery to the owner, mortgagee and tenant of record and having met for this purpose in accordance with the notices and determined that public exigency requires the immediate taking of the property, do hereby take the real estate interests of FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC in and to Lot 6 in accordance with the following findings and order.

FINDINGS

The City Council hereby finds and determines that:

- (a) The City of Portland conveyed Lot 6 to FEDEQ DV004, LLC by Quitclaim Deed with Covenant dated June 16, 2016 and recorded on June 17, 2016 in the Cumberland County Registry of Deeds in Book 33201, Page 247.
- (b) The purposes behind the City's conveyance of Lot 6 to FEDEQ DV004, LLC were (i) to facilitate the construction of a public parking facility on the parcel in support of the development of housing and commercial projects that would contribute to the economic and social improvement of the area of the City surrounding that project, (ii) to alleviate significant parking concerns that have restricted the ability of the public to make use of the area surrounding Lot 6 and (iii) to encourage responsible growth and development in an area of the City that has long been impeded by the lack of public parking, resulting in blight and economic stagnation.
- (c) The City entered into agreements with FEDEQ DV004, LLC and/or its affiliates requiring them to secure the necessary permits and approvals for the construction of a public use garage or public parking facility on Lot 6 but they have failed to obtain them and, further, having not appealed to the Maine Superior Court from the denial of the permit applications, all appeals and further legal challenges are time-barred and barred by operation of *res judicata*.
- (d) FEDEQ DV004, LLC granted a certain Mortgage, Security Agreement, Lease Assignment and Financing Statement on Lot 6 to FEDEQ Sponsor Entity V, LLC dated June 16, 2016 and recorded on March 20, 2018 in the Cumberland County Registry of Deeds in Book 34721, Page 137 (the "Mortgage"). The interest of FEDEQ Sponsor Entity V, LLC in Lot 6 derives solely from the Mortgage.
- (e) FEDEQ DV004, LLC and Redwood Development Consulting, LLC entered into a certain ground lease dated June 16, 2016 under which Redwood Development

Consulting, LLC leased Lot 6 from FEDEQ DV004, LLC. FEDEQ DV004, LLC and Redwood Development Consulting, LLC executed a certain Memorandum of Lease dated June 16, 2016 relating to such ground lease (the “First Memorandum of Lease”). The First Memorandum of Lease was recorded on March 21, 2018 in the Cumberland County Registry of Deeds in Book 34723, Page 321.

(f) On April 9, 2018, FEDEQ DV004, LLC and Redwood Development Consulting, LLC executed a certain Amended and Restated Memorandum of Lease dated June 16, 2016 (the “Second Memorandum of Lease”) relating to the ground lease referred to in the First Memorandum of Lease. The Second Memorandum of Lease was recorded on April 17, 2018 in the Cumberland County Registry of Deeds in Book 34777, Page 55.

(g) The interest of Redwood Development Consulting, LLC in Lot 6 derives solely from the ground lease referred to in the First Memorandum of Lease and the Second Memorandum of Lease.

(h) The City advanced \$999,999.00 to FEDEQ DV004, LLC and/or its affiliates for the construction of the parking facility and related amenities and yet they have failed or refused to take necessary steps to ensure timely and appropriate construction of such public use parking garage or parking facility on the property.

(i) The public exigency requires the immediate taking of Lot 6 to ensure the timely construction of a public use garage or parking facility as defined by 30-A M.R.S. § 5401(5) on Lot 6. In making this finding that the public exigency requires this taking, the City Council explicitly finds that this taking is necessary to promote the public’s access and use of Lot 6 and the surrounding area, the property interest being taken is taken only to the extent necessary to promote that public access and use, and the property at issue is suitable for use as a public use garage or revenue-generating municipal parking facility as defined by 30-A M.R.S. § 5401(5). The public exigency declared herein is in furtherance of, and in accordance with, the same public necessity declared by the Maine Legislature in 30-A M.R.S. §§ 5402(5) & 5403(6).

(j) The construction of a public use garage or revenue-generating municipal parking facility as defined by 30-A M.R.S. § 5401(5) on Lot 6 is necessary and serves a public purpose.

(k) The City’s acquisition of FEDEQ DV004, LLC’s fee simple interest in Lot 6 is necessary before a public use garage or revenue-generating municipal parking facility as defined by 30-A M.R.S. § 5401(5) can be built. The City also finds that the City’s acquisitions of (i) FEDEQ Sponsor Entity V, LLC’s interest in Lot 6 under the Mortgage and (ii) Redwood Development Consulting, LLC’s interest in Lot 6 as tenant under the ground lease referred to in the First Memorandum of Lease and the Second Memorandum of Lease are necessary before a public use garage or revenue-generating municipal parking facility as defined by 30-A M.R.S. § 5401(5) can be built on Lot 6.

(l) The amount of damages determined by the City Council to result to FEDEQ DV004, LLC for the taking of the fee simple interest in and to Lot 6 is the nominal sum

of Ten (\$10.00) Dollars as shown and determined by the Appraisal performed by Christina M. O’Connell, MAI, O’Connell Valuation Services dated January 25, 2021 (the “Appraisal”).

(m) As noted in paragraphs (d) and (g) above, the interests in Lot 6 of FEDEQ Sponsor Entity V, LLC in Lot 6 under the Mortgage and of Redwood Development Consulting, LLC in Lot 6 as tenant under the ground lease referred to in the First Memorandum of Lease and the Second Memorandum of Lease derive solely from the fee interest of FEDEQ DV004, LLC in Lot 6 and, accordingly, those interests have no greater condemnation value than the fee interest itself.

(n) Based on the appraised value of the fee interest to Lot 6 determined in the Appraisal, the amount of damages determined by the City Council to result to FEDEQ Sponsor Entity V, LLC for the taking of its interest as mortgagee of Lot 6 under the Mortgage is the nominal sum of Ten (\$10.00) Dollars.

(o) Based on the appraised value of the fee interest to Lot 6 determined in the Appraisal, the amount of damages determined by the City Council to result to Redwood Development Consulting, LLC for the taking of its interest as tenant under the ground lease referred to in the First Memorandum of Lease and the Second Memorandum of Lease is the nominal sum of Ten (\$10.00) Dollars.

(p) The Appraisal demonstrates that Lot 6 has a negative fair market value in light of encumbrances against the property and restrictions regulating its development. The Ten (\$10.00) Dollars payments to each of FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC are therefore in excess of the condemnation value required to be paid according to law for the eminent domain taking of the noted interests in Lot 6.

(q) For the avoidance of doubt, the City hereby confirms that the said Ten (\$10.00) Dollars payments to FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC for the eminent domain taking of Lot 6 are not net of the advances made by the City to FEDEQ DV004, LLC and/or its affiliates exceeding \$999,999.00 as set forth above, but such Ten (\$10.00) Dollars payments are actually in excess of the fair market value of Lot 6 without considering such advances.

Accordingly, it is hereby

ORDERED, based upon the above declarations and findings, the City Council hereby orders that the fee simple interest of FEDEQ DV004, LLC in Lot 6 as depicted on the Plan and as further described in Schedule A is hereby taken by power of eminent domain as conferred upon the City by 30-A M.R.S. §§ 5401 et seq. (including § 5403(6)), and 30-A M.R.S. § 3101 and 23 M.R.S. § 3023;;

ORDERED, based upon the above declarations and findings, the City Council hereby orders that the mortgage interest of FEDEQ Sponsor Entity V, LLC in Lot 6 as depicted on the Plan and as further described in Schedule A is hereby taken by power of eminent domain as

conferred upon the City by 30-A M.R.S. §§ 5401 et seq. (including § 5403(6)), and 30-A M.R.S. § 3101 and 23 M.R.S. § 3023 ;;

ORDERED, based upon the above declarations and findings, the City Council hereby orders that the interest of Redwood Development Consulting, LLC as tenant of Lot 6 as depicted on the Plan and as further described in Schedule A is hereby taken by power of eminent domain as conferred upon the City by **30-A M.R.S. §§ 5401 et seq. (including § 5403(6)), and 30-A M.R.S. § 3101 and 23 M.R.S. § 3023**;

BE IT FURTHER ORDERED, the City Council hereby orders and directs that this Condemnation Order be filed with the City Clerk and that upon its effective date, a copy thereof be served upon FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC; and that checks in the amount of Ten (\$10.00) Dollars each made payable to FEDEQ DV004, LLC, FEDEQ Sponsor Entity V, LLC and Redwood Development Consulting, LLC be delivered to them through counsel.

AND BE IT FURTHER ORDERED, the City Clerk is hereby directed to cause an attested copy of this Order and the attached Schedule A to be recorded in the Cumberland County Registry of Deeds forthwith.

Dated this 8th day of September, 2021

Mayor Kate Snyder

SCHEDULE A

Legal Description of Lot 6

(Fee Simple Interest Taken by Condemnation)

A certain lot or parcel of land depicted as Lot 6 on a certain “Amended Subdivision Recording Plat for MiDTOWN Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC” dated April 10, 2013, as revised through, and approved by the City of Portland Planning Board, on May 10, 2016 by Owen Haskell, Inc. Falmouth, Maine, recorded at the Cumberland County Registry of Deeds, Plan Book 216, Page 217 (the “Amended Subdivision Recording Plat”), which lots are more particularly described as follows:

A certain lot or parcel of land located along the northerly sideline of Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at the northerly sideline corner of Chestnut Street and Somerset Street as shown on a plan titled “Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC” dated April 10, 2013 as revised through May 10, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59’ 38” W 126.00 feet along the northeasterly line of Chestnut Street to a point;

THENCE N 49° 00’ 22” E 360.00 feet along land now or formerly of the City of Portland to a point;

THENCE S 40° 59’ 38” E 126.00 feet along Lot 7 to a point along the northwesterly line of Somerset Street;

THENCE S 49° 00’ 22” W 360.00 feet along Somerset Street to the POINT OF BEGINNING.

Said lot or parcel of land contains 45, 360 square feet, more or less, and is Lot 6 as shown on said Amended Recording Plat.

Said Lot 6 herein described is subject to a Limited Open Space Use Easement Benefitting The City of Portland six (6.00’) feet in width running along the northeasterly line of Chestnut Street as shown on said Amended Subdivision Recording Plat.

Said Lot 6 herein described is subject to a MEWS-30’ Access Easement Benefitting the City of Portland thirty (30.00’) feet in width along the northwesterly line of Somerset Street as shown on said Amended Subdivision Recording Plat, more particularly bounded and described as follows:

A certain lot or parcel of land located along the northwesterly line of Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at a point along the northwesterly line of Somerset Street at the corner of Lot 6 and Lot 7.

THENCE S 49° 00' 22" W 30.00 feet along the northwest line of Somerset Street to a point;

THENCE N 40° 59' 38" W 126.00 feet through Lot 6 to a point along land now or formerly of the City of Portland as shown on said plan;

THENCE N 49° 00' 22" E 30.00 feet along said City of Portland land to a point at the northerly corner of said Lot 6 and located along the southwesterly boundary line of Lot 7;

THENCE S 40° 59' 38" E 126.00 feet along the southwesterly boundary line of Lot 7 to the POINT OF BEGINNING.

Said lot or parcel of land contains 3780 square feet, more or less, and is located entirely on said Lot 6.

Said Lot 6 herein described is subject to a Limited Open Space Use Easement Benefitting The City of Portland thirty (30.00') feet in width as shown on said Amended Subdivision Recording Plat, more particularly bounded and described as follows:

A certain lot or parcel of land located northwesterly of, but not adjacent to, Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street.

THENCE S 49° 00' 22" W 181.00 feet along the northwesterly line of Somerset Street as shown on said plan to a point;

THENCE N 40° 59' 38" W 81.01 feet through Lot 6 as shown on said plan to the POINT OF BEGINNING;

THENCE N 40° 59' 38" W 44.99 feet through Lot 6 to a point along the southeasterly boundary line now or formerly of the City of Portland as shown on said plan;

THENCE N 49° 00' 22" E 30.00 feet along said City of Portland land to a point at the northerly corner of Lot 6, said point being located along the southwesterly line of Lot 7 as shown on said plan;

THENCE N 40° 59' 38" W 4.00 feet along said City of Portland land and line of Lot 7 to a point;

THENCE N 49° 00' 22" E 78.00 feet along said City of Portland land and line of Lot 7 to a point;

THENCE S 40° 59' 38" E 48.99 feet through Lot 7 to a point;

THENCE S 49° 00' 22" W 108.00 feet through Lot 7 and Lot 6 to the POINT OF BEGINNING.

Said lot or parcel of land contains 5171 square feet, more or less, and is located partially on Lot 6 and partially on Lot 7 as shown on said plan.

Said Lot 6 herein described is benefitted by a certain Revocable License for Installation and Maintenance of Utilities and a Revocable License for Grading and Drainage of near or even date herewith and to be recorded in the Cumberland County Registry of Deeds, on land now or formerly of the City of Portland of variable width as shown on said Amended Subdivision Recording Plat, more particularly bounded and described in said licenses and as follows:

A certain lot or parcel of land located northwesterly of, but not adjacent to, Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street.

THENCE N 40° 59' 38" W 151.00 feet along the southwesterly line of The Possible Extension of Pearl Street as shown on said plan to the POINT OF BEGINNING;

THENCE S 49° 00' 22" W 73.00 feet along Lot 7 as shown on said plan to a point;

THENCE S 40° 59' 38" E 21.00 feet along Lot 7 to a point;

THENCE S 49° 00' 22" W 10.00 feet along Lot 7 to a point;

THENCE N 40° 59' 38" W 20.61 feet through land now or formerly of the City of Portland shown as Lot 9 on said plan to a point;

THENCE S 39° 22' 54" W 10.86 feet through said City of Portland land to a point;

THENCE S 42° 22' 19" W 64.94 feet through said City of Portland land to a point;

THENCE S 41° 00' 32" E 15.29 feet through said City of Portland land to a point;

THENCE S 49° 00' 22" W 72.71 feet along Lot 6 as shown on said plan to a point;

THENCE N 41° 00' 32" W 21.94 feet through said City of Portland land to a point;

THENCE N 42° 22' 19" E 136.00 feet through said City of Portland land to a point;

THENCE N 39° 22' 54" E 72.27 feet through said City of Portland land to a point;

THENCE N 41° 02' 28" W 10.14 feet through said City of Portland land to the easterly property corner of land now or formerly of 161 Marginal Way LLC as shown on said plan;

THENCE N 41° 02' 28" W 43.00 feet along said 161 Marginal Way LLC land to a point;

THENCE N 49° 00' 22" E 20.02 feet through said City of Portland land to a point;

THENCE S 87° 16' 35" E 27.70 feet through said City of Portland land to a point;

THENCE S 40° 59' 38" E 5.00 feet through said City of Portland land to a point;
THENCE N 84° 05' 10" E 20.69 feet through said City of Portland land to a point;

THENCE N 28° 31' 08" E 15.21 feet through said City of Portland land to a point;

THENCE N 59° 22' 54" E 31.41 feet through said City of Portland land to a point;

THENCE S 61° 28' 51" E 5.00 feet through said City of Portland land to a point;

THENCE S 40° 59' 38" E 6.82 feet through said City of Portland land to a point along land now or formerly of E. Perry Iron & Metal Co. as shown on said plan;

THENCE S 49° 00' 22" W 24.24 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 40° 59' 38" E 20.01 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 31° 04' 42" W 28.43 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 50° 13' 09" E 1.25 feet along said E. Perry Iron & Metal Co. land to a point at the northwesterly end of The Possible Extension of Pearl Street;

THENCE S 49° 00' 22" W 28.15 feet along the end of The Possible Extension of Pearl Street to the POINT OF BEGINNING.

Said lot or parcel of land contains 9332 square feet, more or less.

Said Lot 6 herein described is benefitted by a certain Revocable License for Installation and Maintenance of Utilities and a Revocable License for Grading and Drainage of near or even date herewith and to be recorded in the Cumberland County Registry of Deeds, on land now or formerly of the City of Portland of variable width located within The Possible Extension of Pearl Street as shown on said Amended Subdivision Recording Plat, more particularly bounded and described in said licenses and as follows:

A certain lot or parcel of land located along the northwesterly line of Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street.

THENCE N 40° 59' 38" W 151.00 feet along the southwesterly line of The Possible Extension of Pearl Street to a point;

THENCE N 49° 00' 22" E 28.15 feet along the northwest end of The Possible Extension of Pearl Street to a point along land now or formerly of E. Perry Iron & Metal Co. as shown on said plan;

THENCE S 50° 13' 09" E 26.72 feet along land of E. Perry Iron & Metal Co. to a point;

THENCE N 82° 12' 51" E 8.60 feet along land of E. Perry Iron & Metal Co. to a point;

THENCE S 45° 30' 09" E 120.29 feet along land of E. Perry Iron & Metal Co. to a point along the northwest line of Somerset Street;

THENCE S 49° 00' 22" W 49.09 feet along the northwest line of Somerset Street to the POINT OF BEGINNING.

Said lot or parcel of land contains 6288 square feet, more or less, and represents the Possible Extension of Pearl Street as shown on said plan.

The condemnation ordered hereby includes all easements and other appurtenances of the foregoing premises of record and all such easements and other appurtenances are hereby condemned. Furthermore, for the avoidance of doubt, the condemnation ordered hereby expressly condemns and terminates the entire interests of FEDEQ DV004, LLC, FEDEQ

Sponsor Entity V, LLC, if any, and of Redwood Development Consulting, LLC, if any, in and to the foregoing real estate, including all rights they or any combination of them may have in such real estate deriving under the following: (a) October 15, 2012 Garage Contribution And Funding Agreement, as amended, (b) October 14, 2014 Second Amendment of Purchase And Sale Agreement And Amendment Of Guaranty And Parking Garage Agreement (the "Second Amendment") and (c) June 2016 Fourth Amendment Of Purchase & Sale Agreement, Second Amendment Of Parking Garage Contribution And Funding Agreement & Third Amendment To Corporate Guaranty Agreement (the "Fourth Agreement").

As to those certain easements burdening the foregoing premises for the benefit of land of the City of Portland, the condemnation ordered hereby expressly excludes such easements held by the City of Portland over all or any portion of the foregoing real estate. All such easements shall be preserved and not merged with the title acquired by the City of Portland under this condemnation order.